

August 2, 2006 BZA



REQUEST ANALYSIS  
AND  
RECOMMENDATION

06AN0331

Derrick W. and Lavette E. Jackson

Clover Hill Magisterial District  
1100 Twilight Lane

- REQUESTS:
- I. A 114.9 foot Variance to the 150 foot front yard setback requirement for an existing dwelling.
  - II. A 32.7 foot Variance to the forty (40) foot side yard setback requirement for an existing dwelling.
  - III. A 20.3 foot Variance to the fifty (50) foot rear yard setback requirement for an existing dwelling.
  - IV. A 116.9 foot Variance to the 150 foot front yard setback requirement for a proposed addition.
  - V. A 12.5 foot Variance to the fifty (50) foot rear yard setback requirement for a proposed addition.

RECOMMENDATIONS

- I. Recommend approval of Variances I, II and III for the following reasons:
  - A. The existing single family dwelling (constructed in 1978) has not nor will it impair the character of this residential area.
  - B. The strict application of the Zoning Ordinance would result in an unreasonable hardship to the property owner if the dwelling or part of the dwelling were required to be moved or removed.

- C. The encroachments of the existing single family dwelling to the front, side and rear yard setback requirements do not unreasonably impair an adequate supply of air and light to the adjacent properties.

## CONDITIONS

### Variance I

This Variance shall be for the existing dwelling located in the front yard as depicted on the plat attached to staff's report.

### Variance II

This Variance shall be for the existing dwelling located in the side yard as depicted on the plat attached to staff's report.

### Variance III

This Variance shall be for the existing dwelling located in the rear yard as depicted on the plat attached to staff's report.

## II. Recommend denial of Variances IV and V for the following reasons:

- A. The applicants have provided no information that there are such unusual circumstances about this property that adherence to the required setback requirements would cause an undue hardship.
- B. There is an alternative to these requests that do not violate the building setbacks.

## GENERAL INFORMATION

### Location:

Property is known as 1100 Twilight Lane. Tax ID 758-700-1422 (Sheet 7).

### Existing Zoning:

A

### Size:

0.77 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - A; Residential  
South - A; Residential  
East - R-9 and R-12; Residential and vacant  
West - A; Residential and vacant

Utilities:

Public water and private septic system

General Plan:

(Northern Area Land Use and Transportation Plan)

Residential  
(1.51 to 4.0 units per acre)

DISCUSSION

The applicants have indicated the existing dwelling is located 40.1 feet from the front property line. The Zoning Ordinance requires a 150 foot front yard setback requirement in an Agricultural (A) District. Therefore, the applicants would need a 109.9 foot Variance. However, the ultimate right of way has increased from forty (40) to fifty (50) feet, therefore five (5) more feet needs to be added to the request making the Variance 114.9 feet (see attached plat). The applicants have indicated the existing dwelling is 7.3 feet from the side property line. The Zoning Ordinance requires a forty (40) foot side yard setback requirement in an Agricultural (A) District. Therefore, the applicants request a 32.7 foot Variance (see attached plat). Also, the applicants have indicated the existing dwelling is located 29.7 foot from the rear property line. The Zoning Ordinance requires a fifty (50) foot rear yard setback requirement in an Agricultural (A) District. Therefore, the applicants request a 20.3 foot Variance (see attached plat).

The applicants are proposing to construct an addition to the existing dwelling. The proposed addition will be located 38.1 foot from the front property line. The Zoning Ordinance requires a 150 foot front yard setback requirement in an Agricultural (A) District. Therefore, the applicant would need a 111.9 foot Variance (see attached plat). However, the ultimate right of way has increased from forty (40) to fifty (50) feet, therefore five (5) more feet needs to be added to the request making the Variance 116.9 feet (see attached plat). The applicants have indicated the proposed addition will be located 37.5 feet from the rear property line. The Zoning Ordinance requires a fifty (50) foot rear yard setback requirement in an Agricultural (A) District. Therefore the applicants request a 12.5 foot Variance (see attached plat).

The applicants provide the following justification in support of these requests:

This request has been submitted for the purpose of adding an addition to the existing home, which will include two rooms and a bathroom. The addition being constructed will be constructed on the right side of the house. Length wise, the existing property will be able to accommodate the addition without being a deterrent to the neighbor's property. The occupants of the addition will be senior citizens. Due to their age and health, there will be no effect on public school, traffic or the future area development. If granted this Variance, it will allow us to build an addition that is needed on our existing property. My husband and I have decided to take on the responsibility of taking care of my elderly parents instead of putting them in an adult home at the expense of the State. My father has been diagnosed with prostate cancer and my mother has suffered two (2) strokes. Having them in the home with us will make it easier for us to care for them properly. If granted this Variance, we feel it will help prolong the life of our parents as well as mine due to my own health issues.

The subject property is located off the west line of Twilight Lane and consists of 0.77 acre and is zoned Agricultural (A). The original dwelling was constructed in 1978. In 1997, the previous property owner added a 0.19 acre to the original property, thereby creating a new creation date. The new creation date changes the setback requirements from the 1978 to the present day requirements. On August 11, 2000, the applicants purchased the property. The applicants have indicated they would like to construct an addition to the existing dwelling. However, before they can apply for a building permit on the subject property the existing dwelling must be brought into compliance with the present Zoning Ordinance requirements.

#### Variances I, II and III

Staff has reviewed these requests and cannot identify any alternative short of removing the dwelling or part of the dwelling in the front, side and rear yards. Staff feels that removing or altering the dwelling to meet the required setbacks would impose an unnecessary hardship on the property owner.

Also, there has been no adverse impact by the dwelling being located at its present location on the subject property for twenty-eight (28) years. Further, it is staff's determination that because of the location of the dwelling on the subject property and the distance from the adjacent properties, the encroachments would not unreasonably impair the adequate supply of light and air to the adjacent property owners. Therefore, staff would recommend that these requests be approved subject to the aforementioned conditions.

#### Variance IV

There are no conditions upon which this request is based which are unique to the subject property and are not generally applicable to other properties in the area that may want to construct additions. The applicants have not provided any information, as required by the Zoning Ordinance, which would serve as a basis for the granting of this Variance. Staff believes that this request does not meet the test for Variances as specified in Section 19-21 (b) of the Chesterfield County Zoning Ordinance.

However, if the Board feels that this request has merit, staff recommends the addition encroach no further in the front yard than the existing dwelling.

CONDITION

This addition shall not encroach into the front yard any closer than the existing dwelling.

Variance V

There is an alternative to this request that does not violate the required rear yard building setback requirement. The applicants could meet the rear yard setback requirement of fifty (50) feet and increase the length of the addition, thereby eliminating the need for this request.

However, if the Board feels that this request has merit, staff recommends that it be subject to the following condition:

CONDITION

This Variance shall be for the proposed addition only.



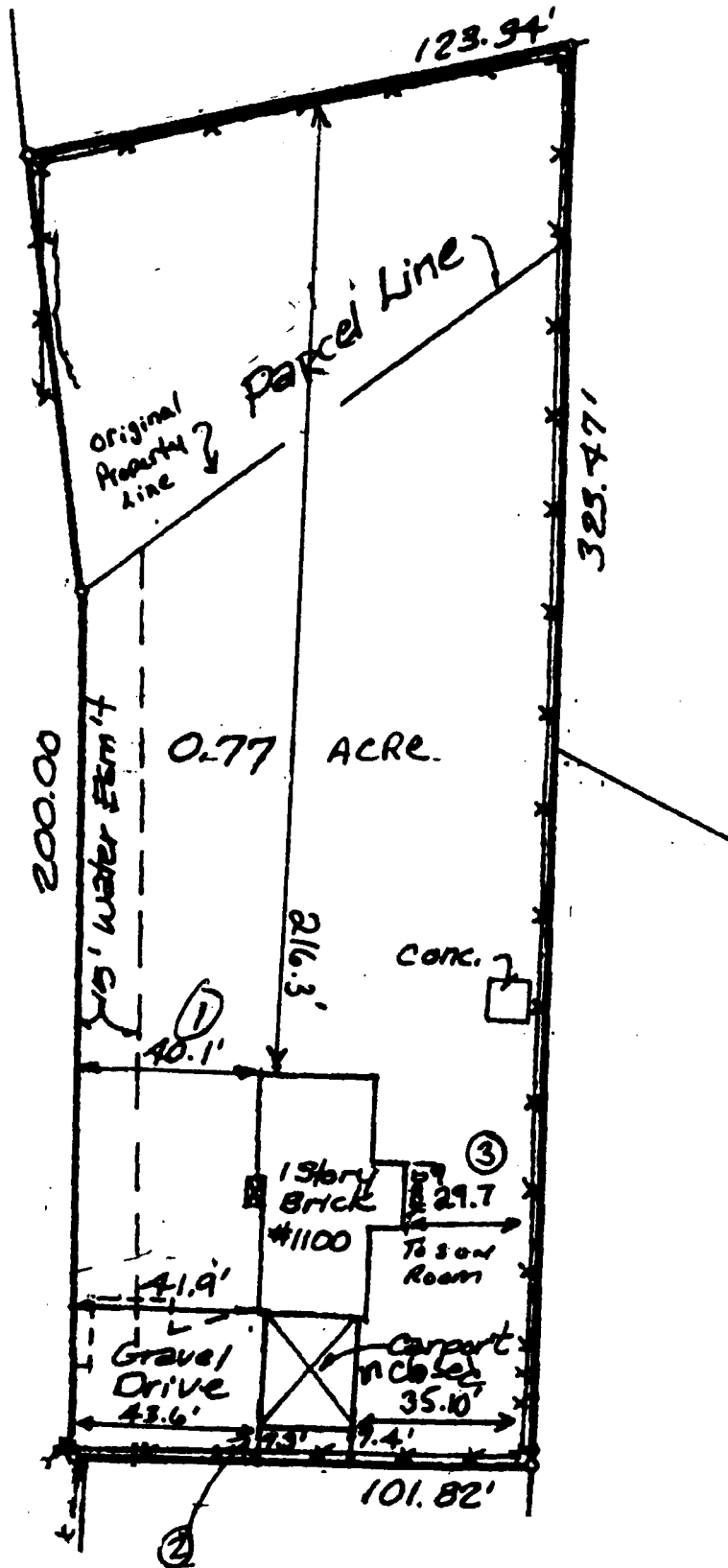
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# TWILIGHT LANE





TWILIGHT LANE

